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**IN THE
COURT OF APPEALS OF INDIANA**

MAURO RUIZ,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0608-CR-685
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Ruth Reichard, Judge Pro Tempore
Cause No. 49G05-0510-FD-188239

March 29, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Mauro Ruiz was convicted of failure to register as a sex offender¹ as a Class D felony after a bench trial. He appeals raising one issue, which we restate as whether sufficient evidence was presented to prove that he knowingly or intentionally failed to register his change of address.

We affirm.

FACTS AND PROCEDURAL HISTORY

On February 8, 2005, Ruiz pled guilty to one count of child molesting as a Class C felony and one count of vicarious sexual gratification as a Class D felony. As a result of these convictions, Ruiz was required to register as a sex offender, and on March 30, 2005, he completed a sex offender registration form. As part of this registration, Ruiz signed the form and agreed that, “If I move to a different residential location (home address) within Marion County, I will provide a newly completed registration to the Indianapolis Police Department with [sic] seven (7) days of making such change.” *State’s Ex. 2*. He also agreed that if he moved outside of Marion county, he would provide notice of such a move and register with the new county within seven days of moving. *Id.*

On September 22, 2005, an officer with the Indianapolis Police Department performed a sex offender registration investigation at 2017 W. Vermont St, Indianapolis, Indiana, which was the registered address of Ruiz. At the home, the officer spoke to a woman, who stated that she had lived there for approximately six months. *Appellant’s App.* at 15. She also told the officer that she did not know Ruiz and that he did not live at that address. *Id.* As a result

¹ See IC 5-2-12-9; IC 5-2-12-8. These statutes were repealed effective July 1, 2006; *see now*, IC 11-8-8-1 to 11-8-8-17.

of this investigation, on October 31, 2005, the State charged Ruiz with failure to register as a sex offender as a Class D felony.

At the bench trial, Ruiz stipulated that the probable cause affidavit, which contained the above facts regarding the sex offender registration investigation, was accurate. *Tr.* at 6-8. Additionally, the State presented documentation of Ruiz's prior convictions and his sex offender registration form. *Id.* at 5; *State's Exs.* 1-2. Ruiz testified that, after his convictions for child molesting and vicarious sexual gratification, he had met with someone who reviewed the sex offender registration form with him in Spanish and that he had signed the form. *Tr.* at 11-12. He did not remember being told that he must change his sex offender registration if he moved. *Id.* at 12. Ruiz stated that the original address that appeared on the form, 1460 Belmont Avenue, was his wife's address, but that he lived at Iglesia Ebenezer when he was released from jail. *Id.* at 12-13. The Belmont address and the words "Ebenezer Church" were crossed out on Ruiz's registration form, and "2017 W. Vermont St." was written. *State's Ex.* 2. Ruiz claimed that he did not remember ever living at the Vermont St. address. *Tr.* at 13. Ruiz testified that he and his wife moved into a rental house "on Southeastern and Villa" around July 2005. *Id.* at 14, 17. He maintained that he had told his probation officer that he was living at the church after his release and that he had also informed the probation officer when he moved to the rental house. *Id.* at 13, 14, 16, 17. The trial court found Ruiz guilty of failure to register as a sex offender. He now appeals.

DISCUSSION AND DECISION

Our standard of review for sufficiency claims is well settled. We do not reweigh the

evidence or judge the credibility of the witnesses. *Dickenson v. State*, 835 N.E.2d 542, 551 (Ind. Ct. App. 2005), *trans. denied*. We will consider only the evidence most favorable to the judgment together with the reasonable inferences to be drawn therefrom. *Id.*; *Robinson v. State*, 835 N.E.2d 518, 523 (Ind. Ct. App. 2005). We will affirm the conviction if there is sufficient probative evidence to support the judgment of the trier of fact. *Dickenson*, 835 N.E.2d at 552; *Robinson*, 835 N.E.2d at 523.

In order to convict Ruiz of failure to register as a sex offender as a Class D felony, the State was required to prove that he was a sex and violent offender who knowingly or intentionally failed to register under the applicable chapter. IC 5-2-12-9 (repealed, *see now*, IC 11-8-8-17). Ruiz was required, under the applicable chapter, to provide a newly completed registration form to the local law enforcement authority within seven days of a change in his home address. *See* IC 5-2-12-8 (repealed, *see now*, IC 11-8-8-11); *State's Ex. 2*.

Ruiz argues that the State did not present sufficient evidence to support his conviction for failing to register as a sex offender. He specifically contends that the evidence did not establish that he *knowingly or intentionally* failed to update his home address as required. He claims that his testimony that he did not fully understand the registration process, that he had contacted his probation officer when he moved, and that authorities had visited and approved his most recent residence demonstrates his lack of knowing or intentional failure to register. These arguments essentially ask us to reweigh the evidence, which we cannot do on review. *Dickenson*, 835 N.E.2d at 551.

The evidence most favorable to the judgment shows that because Ruiz had previously

been convicted of child molesting, he was required to register as a sex offender and was required to update his home address with the local law enforcement authority within seven days of any change. The record indicates that Ruiz signed a sex offender registration form on March 30, 2005 and that someone went over the document with him in Spanish. *Tr.* at 15. This form stated, “If I move to a different residential location (home address) within Marion County, I will provide a newly completed registration to the Indianapolis Police Department with [sic] seven (7) days of making such change.” *State’s Ex. 2*. When an officer with the Indianapolis Police Department went to the Vermont St. address, which was the address listed on Ruiz’s form, it was discovered that Ruiz did not live at that address. Ruiz testified that at that time, he lived at a rented house “on Southeastern and Villa.” *Tr.* at 14. Although Ruiz claims that he notified his probation officer of his changes in address, this did not satisfy the requirement that he provide a newly completed registration form to the Indianapolis Police Department within seven days of any changes. Constrained by our standard of review, we conclude that sufficient evidence was presented to support the trial court’s judgment that Ruiz committed the crime of failure to register as a sex offender.

Affirmed.

RILEY, J., and FRIEDLANDER, J., concur.